

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING MOTION FOR DISPUTE RESOLUTION**

This ruling is issued in reference to the motion filed by Pac-West Telecomm, Inc. (Pac-West) for expedited resolution of an interconnection-related dispute with SureWest Telephone Company (SureWest). In its motion, Pac-West seeks Commission involvement in resolving the dispute pursuant to the process set forth in Decision (D.) 95-12-056.

In its response to the motion, SureWest did not provide substantive arguments on the merits of the dispute, but claimed that mediation should be attempted before submitting the matter for a ruling on the substantive merits by an Administrative Law Judge (ALJ).

An ALJ ruling was issued on May 10, 2005, in an effort to pursue mediation of the dispute between Pac-West and SureWest. Pursuant to that ruling, each of the contesting parties was contacted by a representative of the Commission's Administrative Law Judge Division alternative dispute resolution

(ADR) process who explained the ADR process available through the Commission to facilitate a mediated resolution of parties' disputes.

The ALJ ruling directed each of the parties to the dispute to confirm their willingness to participate in a mediation session. In response to the ruling, however, confirmation was not obtained from both of the parties of a mutual willingness to participate in the mediation. Accordingly, given the lack of mutual agreement to participate in mediation, despite reasonable attempts, it is concluded that further steps must be taken to resolve the dispute by issuing an ALJ ruling on the merits of parties' substantive arguments.

As a basis to decide the merits of parties' positions, SureWest is hereby provided the opportunity to file a substantive response to the arguments made by Pac-West. Following receipt of SureWest's response, an ALJ ruling will be issued regarding the merits of each party's arguments pursuant to the dispute resolution process outlined in D.95-12-056.

IT IS RULED that:

1. SureWest Telephone Company (SureWest) is hereby provided the opportunity to file a substantive response to the arguments made by Pac-West Telecomm, Inc. The response shall be due on December 22, 2005.
2. Following receipt of SureWest's response, an Administrative Law Judge's ruling will be issued regarding the merits of each party's arguments pursuant to the dispute resolution process outlined in Decision 95-12-056.

Dated December 9, 2005, at San Francisco, California.

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Motion for Dispute Resolution on all parties of record in this proceeding or their attorneys of record.

Dated December 9, 2005, at San Francisco, California.

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.